

1 ALAN R. SMITH, ESQ.
Nevada Bar No. 1449
2 Law Offices of Alan R. Smith
505 Ridge Street
3 Reno, Nevada 89501
Telephone (775) 786-4579
4 Facsimile (775) 786-3066
Email: mail@asmithlaw.com

ELECTRONICALLY FILED
October 25, 2011

5 Co-Counsel for Debtor

6 AJ KUNG, ESQ.
Nevada Bar No. 7052
7 BRANDY BROWN, ESQ.
Nevada Bar No. 9987
Kung & Associates
8 214 S. Maryland Parkway
Las Vegas, Nevada 89101
9 Telephone: (702) 382-0883
10 Facsimile: (702) 382-2720
11 Email: ajkung@ajkunglaw.com
Email: bbrown@ajkunglaw.com

12 Counsel for Debtor
13

14 UNITED STATES BANKRUPTCY COURT
15 DISTRICT OF NEVADA

16 —ooOoo—

17 In Re:
18 ELKO GOLD MINE, LLC,
19 a Nevada limited liability company,
20 Debtor.

Case No. BK-N-11-50084-BTB
Chapter 11

CERTIFICATE OF ACCEPTANCE
AND REJECTION OF CHAPTER 11
PLAN [BALLOT SUMMARY]

Hearing Date: October 26, 2011
Hearing Time: 3:00 p.m.

21
22 _____ /
23 Debtor, ELKO GOLD MINE, LLC, by and through its co-counsel, ALAN R. SMITH,
24 ESQ., hereby files its certificate that ballots concerning the Debtor's Plan of Reorganization
25 (Dkt. #129) have been received as follows:

26 ///

27 ///

28 ///

<u>Creditor</u>	<u>Class</u>	<u>Amount</u>	<u>Vote</u>
Excel National Bank	1	\$ 4,500,000.00	Accepts
TOTAL CREDITORS VOTING:			1
PERCENTAGE IN NUMBER ACCEPTING:			100%
PERCENTAGE IN DOLLAR AMOUNT ACCEPTING:			100%

<u>Creditor</u>	<u>Class</u>	<u>Amount</u>	<u>Vote</u>
C.M. Jarvis Furniture Leasing, Inc.	3	\$ 514,966.04	Accepts
TOTAL CREDITORS VOTING:			1
PERCENTAGE IN NUMBER ACCEPTING:			100%
PERCENTAGE IN DOLLAR AMOUNT ACCEPTING:			100%

<u>Creditor</u>	<u>Class</u>	<u>Amount</u>	<u>Vote</u>
Baltic Linen Co., Inc.	5	\$ 64,982.30	Rejects
Cintas	5	\$ 4,147.66	Accepts
Culligan of Elko	5	\$ 686.24	Accepts
DNK Airport, LLC	5	\$ 1,400,000.00	Accepts
Excel National Bank	5	\$ 654,869.21	Accepts
Hot Shot Power Washing	5	\$ 11,577.50	Accepts
Nevada Division of Industrial Relations	5	\$ 370.00	Rejects
Team Green, Inc.	5	\$ 105,071.33	Rejects
Umscheid Ent., Inc. dba The Paint Store	5	\$ 5,875.61	Rejects
Val-U-Chem, Inc.	5	\$ 675.64	Accepts
Western Printing Co.	5	\$ 664.05	Accepts
TOTAL CREDITORS VOTING:			11
PERCENTAGE IN NUMBER ACCEPTING:			64%
PERCENTAGE IN DOLLAR AMOUNT ACCEPTING:			92%

The Debtor is unaware of any other ballots.

Copies of the Ballots are collectively attached hereto as **Exhibit "A."** The original ballots are in the possession of Debtor's counsel, and are available for inspection and review by the Court and any interested party.

1 **DATED** this 25th day of October, 2011.

2 LAW OFFICES OF ALAN R. SMITH

3 By: /s/ Alan R. Smith
4 ALAN R. SMITH, ESQ.
5 Co-Counsel for Debtor

Exhibit “A”

1 AJ KUNG, ESQ.
Nevada Bar No. 7052
2 BRANDY BROWN, ESQ.
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11 In Re:
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13 Debtor.

Case No. BK-N-11-50084-BTB
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**BALLOT FOR ACCEPTING OR
REJECTING DEBTOR'S PLAN OF
REORGANIZATION**

Hearing Date: October 26, 2011
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15 The Plan of Reorganization, and amendments thereto, referred to in this ballot can be confirmed by
16 the Court only if two-thirds in amount and more than one-half in number of creditors in each class of interest
17 voting on the Plan accept the Plan, or, in the event of a rejection, the Court finds that the Plan nonetheless
conforms to the requirements of the law. See 11 U.S.C. § 1129.

18 This ballot must be returned by mail, fax or email no later than **5:00 p.m. on October 21, 2011**
19 to:

Alan R. Smith, Esq.
Law Offices of Alan R. Smith
505 Ridge Street
Reno, Nevada 89501
Facsimile Number: (775) 786-3066
Email: mail@asmithlaw.com

22 The undersigned acknowledges receipt of the Plan of Reorganization and amendment thereto and
23 votes as follows:

[Check One Box]

24 Class of Creditor:	Class 1	Accepts (<input checked="" type="checkbox"/>)
25 Amount of Claim:	\$ 4,500,000.00	Rejects (<input type="checkbox"/>)
26 Name of Creditor:	Excel National Bank	
27 Address:	43385 Business Park Drive, Suite 220	
	Temecula, CA 92590	
28 By:	Curtis DeMers	
Title:	SVP/Special Assets Manager	

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[Check One Box]

24 Class of Creditor:

3

Accepts (☒)

25 Amount of Claim:

\$ 514,966.04

Rejects (☐)

26 Name of Creditor:

C.M. Jarvis Furniture Leasing Inc.

27 Address:

50 West Liberty St. Ste. 1100

Reno, NV 89501

28 By:

John D. Tennert

Title:

Attorney for C.M. Jarvis Furniture Leasing Inc.

Case 11-50084-bib Doc 143 Entered 09/14/11 16:31:01 Page 3 of 3

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In Re:
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Email: mail@asmithlaw.com

The undersigned acknowledges receipt of the Plan of Reorganization and amendment thereto and votes as follows:

[Check One Box]

Class of Creditor: UN-SECURED Accepts ()
Amount of Claim: \$ 64,982.30 Rejects (☒)
Name of Creditor: BALTIC LINEAL CO INC.
Address: 1990 MARCUS AVE
LAKE SUCCESS NY 11040
By: Carol Plana
Title: Credit Mgr.

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Nevada Bar No. 7052
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[Check One Box]

24 Class of Creditor: UNSECURED Accepts (☒)

25 Amount of Claim: \$ 4147.66 Rejects (☐)

26 Name of Creditor: CINTAS

27 Address: P.O. Box 97627 Eagle Way

28 By: Chicago IL 60678

Title: Deborah Erickson

Collection Supv. 708-563-3355 9-21-11

10/23/2011 05:13 77577 498
 10/23/2011 TUE 1:11 FAX 972 568 5769 DMC

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PAGE 01
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23 The undersigned acknowledges receipt of the Plan of Reorganization and amendment thereto and
 votes as follows:

[Check One Box]

24 Class of Creditor:

Accepts (X)

25 Amount of Claim:

\$ 686,24

Rejects ()

26 Name of Creditor:

Culligan of Elko

Address:

P.O. Box 848

27 Elko, NV 89803

28 By:

Ernest B. Aldridge

Title:

Owner

Law Offices of
 ALAN R. SMITH
 505 Ridge Street
 Reno, Nevada 89501
 (775) 786-4579

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22 The undersigned acknowledges receipt of the Plan of Reorganization and amendment thereto and
23 votes as follows:

[Check One Box]

24 Class of Creditor: _____ Accepts (☒)

25 Amount of Claim: \$ 1.4 mill Rejects (☐)

26 Name of Creditor: DRK Airport LLC

Address: 2305 Dupree Dr

27 By: Cores CA 95251

28 Title: General Manager

Law Offices of
ALAN R. SMITH
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Reno, Nevada 89501
(775) 786-4579

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
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22 The undersigned acknowledges receipt of the Plan of Reorganization and amendment thereto and
23 votes as follows:

[Check One Box]

24 Class of Creditor:	Class 5	Accepts (<input checked="" type="checkbox"/>)
25 Amount of Claim:	\$ 654,869.21	Rejects (<input type="checkbox"/>)
26 Name of Creditor:	Excel National Bank	
27 Address:	43385 Business Park Drive, Suite 220	
	Temecula, CA 92590	
28 By:	Curtis DeMers 	
Title:	SVP/Special Assets Manager	

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Case No. BK-N-11-50084-BTB
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**BALLOT FOR ACCEPTING OR
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Debtor.

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Hot Shot power washing

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[Check One Box]

Class of Creditor: 5 Accepts ☒ Rejects ☐
Amount of Claim: \$11,577.50
Name of Creditor: Hot Shot power washing
Address: 2110 Colonial Dr
Elko NV 89801
By: Ethan Burlingham
Title: Owner

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23 votes as follows: OSHA debt not included in Plan.

[Check One Box]

24 Class of Creditor: UNSECURED Accepts ()
25 Amount of Claim: \$ 370.00 Rejects (X)
26 Name of Creditor: Nevada Division of Industrial Relations
Address: 400 West King Street, Ste. 201A
27 Carson City, NV 89703
By: Nancy E. Wong NANCY E. WONG
28 Title: Division Counsel

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[Check One Box]

Class of Creditor: Class 5- Unsecured Accepts ()

Amount of Claim: \$ 105,071.33 Rejects (X)

Name of Creditor: Team Green, Inc.
Address: c/o Law Offices of Amy N. Tine, APE
3715 Lakeside Drive, Ste. A Reno, NV 89509

By: [Signature]
Title: Counsel for Team Green, Inc.

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Email: ajkung@ajkunglaw.com
Email: bbrown@ajkunglaw.com

ALAN R. SMITH, ESQ.
Nevada Bar No. 1449
Law Offices of Alan R. Smith
505 Ridge Street
Reno, Nevada 89501
Telephone (775) 786-4579
Facsimile (775) 786-3066
Email: mail@asmithlaw.com
Co-Counsel for Debtor

Counsel for Debtor

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

—ooOoo—

In Re:
ELKO GOLD MINE, LLC,
a Nevada limited liability company,
Debtor.

Case No. BK-N-11-50084-BTB
Chapter 11
**BALLOT FOR ACCEPTING OR
REJECTING DEBTOR'S PLAN OF
REORGANIZATION**

Hearing Date: October 26, 2011
Hearing Time: 3:00 p.m.

The Plan of Reorganization, and amendments thereto, referred to in this ballot can be confirmed by the Court only if two-thirds in amount and more than one-half in number of creditors in each class of interest voting on the Plan accept the Plan, or, in the event of a rejection, the Court finds that the Plan nonetheless conforms to the requirements of the law. See 11 U.S.C. § 1129.

This ballot must be returned by mail, fax or email no later than **5:00 p.m. on October 21, 2011** to:

Alan R. Smith, Esq.
Law Offices of Alan R. Smith
505 Ridge Street
Reno, Nevada 89501
Facsimile Number: (775) 786-3066
Email: mail@asmithlaw.com

The undersigned acknowledges receipt of the Plan of Reorganization and amendment thereto and votes as follows:

[Check One Box]

Class of Creditor:

5

Accepts ()

Amount of Claim:

\$ 5875.61

Rejects (☒)

Name of Creditor:

UMSCHEID ENT. INC. DBA THE PAINT

Address:

336 SILVER ST. STORE

By:

Richard Umscheid

Title:

PAINT

Oct. 25 2011 9:51AM

No. 0846 P. 2

1 AJ KUNG, ESQ.
Nevada Bar No. 7052
2 BRANDY BROWN, ESQ.
Nevada Bar No. 9987
3 Kung & Associates
214 S. Maryland Parkway
4 Las Vegas, Nevada 89101
Telephone: (702) 382-0833
5 Facsimile: (702) 382-2720
Email: ajkung@ajkunglaw.com
6 Email: bbrown@ajkunglaw.com

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Facsimile (775) 786-3066
Email: malt@asmithlaw.com
Co-Counsel for Debtor

7 Counsel for Debtor

8 UNITED STATES BANKRUPTCY COURT

9 DISTRICT OF NEVADA

10 —ooOoo—

11 In Re:

Case No. BK-N-11-50084-BTB

Chapter 11

12 ELKO GOLD MINE, LLC,
a Nevada limited liability company,

**BALLOT FOR ACCEPTING OR
REJECTING DEBTOR'S PLAN OF
REORGANIZATION**

13 Debtor.

Hearing Date: October 26, 2011

Hearing Time: 3:00 p.m.

14
15 The Plan of Reorganization, and amendments thereto, referred to in this ballot can be confirmed by
16 the Court only if two-thirds in amount and more than one-half in number of creditors in each class of interest
17 voting on the Plan accept the Plan, or, in the event of a rejection, the Court finds that the Plan nonetheless
conforms to the requirements of the law. Sec 11 U.S.C. § 1129.

18 This ballot must be returned by mail, fax or email no later than 5:00 p.m. on October 21, 2011
19 to:

Alan R. Smith, Esq.
Law Offices of Alan R. Smith
505 Ridge Street
Reno, Nevada 89501
Facsimile Number: (775) 786-3066
Email: mail@asmithlaw.com

20 The undersigned acknowledges receipt of the Plan of Reorganization and amendment thereto and
21 votes as follows:

[Check One Box]

22 Class of Creditor:

5

Accepts (☒)

23 Amount of Claim:

\$ 675.64

Rejects (☐)

24 Name of Creditor:

VAL-U-CHEM INC.

25 Address:

P.O. BOX 82310

26 By:

PHOENIX, AZ 85071

27 Title:

888-674-2199

Todd Fitch

Law Offices of
ALAN R. SMITH
505 Ridge Street
Reno, Nevada 89501
(775) 786-4579

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Oct. 25, 2011 9:53AM

No. 0847 P. 2/2

1 AJ KUNG, ESQ.
Nevada Bar No. 7052
2 BRANDY BROWN, ESQ.
Nevada Bar No. 9987
3 Kung & Associates
214 S. Maryland Parkway
4 Las Vegas, Nevada 89101
Telephone: (702) 382-0883
5 Facsimile: (702) 382-2720
Email: ajkung@ajkunglaw.com
6 Email: bbrown@ajkunglaw.com

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Co-Counsel for Debtor

Counsel for Debtor

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

—ooOoo—

11 In Re:
12 ELKO GOLD MINE, LLC,
a Nevada limited liability company,

Debtor.

Case No. BK-N-11-50084-BTB
Chapter 11
**BALLOT FOR ACCEPTING OR
REJECTING DEBTOR'S PLAN OF
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conforms to the requirements of the law. See 11 U.S.C. § 1129.

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19 to:

Alan R. Smith, Esq.
Law Offices of Alan R. Smith
505 Ridge Street
Reno, Nevada 89501
Facsimile Number: (775) 786-3066
Email: mail@asmithlaw.com

22 The undersigned acknowledges receipt of the Plan of Reorganization and amendment thereto and
23 votes as follows:

[Check One Box]

24 Class of Creditor: 5 Accepts (X)

25 Amount of Claim: \$ 604.05 Rejects ()

26 Name of Creditor: Western Printing Co

27 Address: PO Box 1555

Aberdeen, SD 57403

28 By: Marie Goez

Title: Bkpr

Law Offices of
ALAN R. SMITH
505 Ridge Street
Reno, Nevada 89501
(775) 786-4579

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